THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11537 OF 2004

DATED: 04-01-2007

Between:

Penmetsa Satyanarayana Raju

.. Petitioner

and

Government of Andhra Pradesh represented by its Secretary, Irrigation Department and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11537 OF 2004

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in not taking any action on the representation submitted by the petitioner on 04.05.2004 in the matter of laying pipes in Urakodu in Mogallu village, Palakoderu Mandal, West Godavari District, as arbitrary and illegal.

The case of the petitioner is that he is the owner and possessor of agricultural land of an extent of Acres 1-06 cents in Sy.No.383, Acres 2-02 cents in Sy.No.383/2 and Acres 7-50 cents in Sy.No.369 in Mogallu village, Palakoderu Mandal, West Godavari District. He has been cultivating the said lands by drawing water from Urakodu, a drainage canal, which flows into Kara Kodu canal. The said Urakodu drainage canal flows on the northern side of his land and his lands are in low-lying area. While that being so, the petitioner came to know that one Guthula Ramakrsihna and others, his neighbouring ryots, who are having lands above his lands, are making attempts to put Turas (pipes) into the Urakodu canal and close the same. On knowing the same, he requested them to construct a bridge over the canal instead of putting Turas (pipes) and closing the UraKodu drainage canal, so that his lands are not affected. The petitioner brought these things to the notice of the respondents and also submitted a detailed representation on 04-05-2004. The respondents, though received the said

representation, did not take any action so far. Hence, this writ petition.

A detailed counter-affidavit has been filed by the respondents asserting that after receipt of the petition dated 04-05-2004, the disputed site has been inspected by the Assistant Executive Engineer, Drainage Division, Bhimavaram and verified that no pipes were inserted into Urakodu drain and no constructions were made in the disputed site and, if any one makes obstruction for free flow of water in Government source, action will be initiated against those persons as per rules in vogue. As no such pipes or constructions were found in the disputed site, the question of damage to the agricultural lands of the petitioner does not arise.

Recording the said statement of the respondents, the writ petition is closed directing the respondents to monitor the canal in question regularly and see that no obstructions are created in cultivation of the lands of the petitioner.

The writ petition is accordingly closed. There shall be no order as to costs.

C.V. RAMULU, J

4th January 2007.

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